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CARR & FERRELL LLP 2200 GENG ROAD PALO ALTO, CA 94303			BLECK, CAROLYN M	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/553,877

Applicant(s)

PETERS ET AL.

Examiner

Carolyn M Bleck

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11,15,17-25,28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11,15,17-25,28 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed 27 May 2004. Claims 1-11, 15, 17-25, 28, and 29 are pending. Claims 16, 26, and 27 have been cancelled.

Claim Objections

2. Claim 25, line 2, is objected to because of the following informalities: claim 25 recites "manual entry configured". This appears to be grammatically incorrect. Appropriate correction is requested.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-9, 17-19, and 29 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 and 15-16 of

Art Unit: 3626

U.S. Patent No. 6,714,914. Although the conflicting claims are not identical, they are not patentably distinct from each other because they recite elements/ steps that are substantially the same and that would have been obvious to one of ordinary skill in the art.

(A) Claims 1-7 of the present application are substantially the same as claims 1-7 of U.S. Patent No. 6,714,914. One difference appears to be the replacement of the phrase "means for real time performance of a plurality of predetermined insurance functions, said functions comprising cashiering, disbursements, document processing, and billing" ('914, col. 9 lines 25-29) with the phrase "means for real time performance of a plurality of functions relevant to administration of said organization" ('877, lines 7-8). It is respectfully submitted that insurance functions are a form of functions relevant to administration of said organization. Therefore, the phrase "means for real time performance of a plurality of functions relevant to administration of said organization" ('877, lines 7-8) does not further distinguish claim 1 of application 09/553,877 from U.S. Patent No. 6,714,914.

Another difference appears to be the replacement of the phrase "menu driven means for defining an insurance product in response to menu selections made by a user" ('914, col. 9 lines 46-47) with the phrase "menu driven means for defining a product in response to menu selections made by a user" ('877, lines 22-23). It is respectfully submitted that an insurance product is a type of product. Therefore, the phrase "menu driven means for defining a product in response to menu selections made

Art Unit: 3626

by a user" ('877, lines 22-23) does not further distinguish claim 1 of application 09/553,877 from U.S. Patent No. 6,714,914.

The last difference appears to be the replacement of the phrase "menu driven means for receiving an application for insurance into said network by displaying, via said display means, screens that vary depending upon a selected insurance product" ('914, col. 9 lines 49-52) with the phrase "menu driven means for receiving a request into said network of computers by displaying via said display means screens that vary depending upon said request" ('877, lines 24-26). It is respectfully submitted that an insurance application is a form of a request. Therefore, the phrase "menu driven means for receiving a request into said network of computers by displaying via said display means screens that vary depending upon said request" ('877, lines 24-26) does not further distinguish claim 1 of application 09/553,877 from U.S. Patent No. 6,714,914.

(B) Claims 2-5 of the present application are the same as claims 2-5 of U.S. Patent No. 6,714,914.

(C) Claims 6-7 of the present application are substantially the same as claims 6-7 of U.S. Patent No. 6,714,914.

The difference in claim 6 appears to be the replacement of "said product line level comprises factor based products including traditional life products, formula based products including universal life and fixed annuities and equity based products including variable life and variable annuities" ('914, col. 10 lines 3-7) with "said product line level

comprises menu based generation of the parameters of a product line including products and services" ('877, lines 1-3). It is respectfully submitted that specific insurance products are a form of a product line including products and services.

Therefore, the phrase "said product line level comprises menu based generation of the parameters of a product line including products and services" ('877, lines 1-3) does not further distinguish claim 6 of application 09/553,877 from U.S. Patent No. 6,714,914.

The difference in claim 7 appears to be the replacement of "said product level comprises a plurality of individual forms of insurance policy" ('914, col. 10 lines 8-10) with "said product level comprises a plurality of individual forms defining said product" ('877, lines 1-2). It is respectfully submitted that individual forms of insurance policy are a form of individual forms defining a product. Therefore, the phrase "said product level comprises a plurality of individual forms defining said product" ('877, lines 1-2) does not further distinguish claim 6 of application 09/553,877 from U.S. Patent No. 6,714,914.

(D) Claim 8 of the present application is substantially the same as claim 15 of U.S. Patent No. 6,714,914. One difference appears to be the replacement of the step "generating a series of displayed questions to a user for defining at least minimum characteristics of an insurance product concerning an insured and a beneficiary, whether multiple beneficiaries are permitted for a particular insurance policy, and what form letters are to be used for particular occasions, for each of various insurance products to be defined" ('914, col. 10 lines 42-48) with "generating a series of displayed questions to the user for defining at least minimum characteristics of a product and

Art Unit: 3626

which form letters are to be used for particular occasions, for each of said products defined" ('877, lines 4-6). It is respectfully submitted that defining characteristics of an insurance policy is a form of defining at least minimum characteristic of a product. Therefore, the phrase "generating a series of displayed questions to the user for defining at least minimum characteristics of a product and which form letters are to be used for particular occasions, for each of said products defined" ('877, lines 4-6) does not further distinguish claim 8 of application 09/553,877 from U.S. Patent No. 6,714,914.

Another difference appears to be the replacement of "using said answers to define insurance products" ('914, col. 10 lines 49-51) with "using said answers to define said products" ('877, lines 7-8). It is respectfully submitted that defining an insurance product is a specific example of defining a product. Thus, the phrase "using said answers to define said products" ('877, lines 7-8) does not further distinguish claim 8 of application 09/553,877 from U.S. Patent No. 6,714,914.

The last difference appears to be the replacement of "an application for insurance... that vary depending upon the insurance product" ('914, col. 10 lines 52-57) with "an application for said product... that vary depending upon said product" ('877, lines 9-11). It is respectfully submitted that an insurance application is a specific example of an application for a product. Thus, the phrase "an application for said product... that vary depending upon said product" ('877, lines 9-11) does not further distinguish claim 8 of application 09/553,877 from U.S. Patent No. 6,714,914.

Art Unit: 3626

(E) Claim 9 of the present application is substantially the same as claim 16 of U.S. Patent No. 6,714,914. One difference appears to be the replacement of a "means for real time performance of a plurality of predetermined insurance functions, said functions comprising cashiering, disbursements, document processing, and billing" ('914, col. 11 lines 7-10) with a "means for real time performance of a plurality of predetermined functions" ('877, line 7). It is respectfully submitted that predetermined insurance functions are a specific type of predetermined function. Thus, the phrase "means for real time performance of a plurality of predetermined functions" ('877, line 7) does not further distinguish claim 9 of application 09/553,877 from U.S. Patent No. 6,714,914.

Another difference appears to be the replacement of the phrase "menu driven means for defining an insurance product in response to menu selections made by a user" ('914, col. 12 lines 1-2) with the phrase "menu driven means for defining a product in response to menu selections made by a user" ('877, lines 21-22). It is respectfully submitted that an insurance product is a type of product. Therefore, the phrase "menu driven means for defining a product in response to menu selections made by a user" ('877, lines 21-22) does not further distinguish claim 9 of application 09/553,877 from U.S. Patent No. 6,714,914.

Another difference appears to be the replacement of the phrase "menu driven means for receiving an application for insurance into said network by displaying, via said display means, screens that vary depending upon a selected insurance product" ('914, col. 12 lines 3-6) with the phrase "menu driven means for receiving a request into said network of computers by displaying via said display means screens that vary

depending upon said request" ('877, lines 23-25). It is respectfully submitted that an insurance application is a form of a request. Therefore, the phrase "menu driven means for receiving a request into said network of computers by displaying via said display means screens that vary depending upon said request" ('877, lines 23-25) does not further distinguish claim 9 of application 09/553,877 from U.S. Patent No. 6,714,914.

The last difference appears to be the replacement of "an insurance agent" ('914, col. 12 lines 11-19) with "an agent" ('877, lines 29-33). It is respectfully submitted that an insurance agent is a specific example of an agent. Therefore the phrase "an agent" ('877, lines 29-33) does not further distinguish claim 9 of application 09/553,877 from U.S. Patent No. 6,714,914.

(F) System claims 17 and 29 of application 09/553,877 substantially repeat the subject matter of system claim 1 from U.S. Patent No. 6,714,914. As such, the same limitations of claims 17 and 29 are rejected as obviousness-type double patenting for the same reasons given above for system claim 1 of 09/553,877, and incorporated herein.

(G) Claims 18-19 of the present application are the same as claims 2-3 of U.S. Patent No. 6,714,914.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10-11, 15, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hecht (5,535,322) in view of Long et al. (5,117,354).

(A) As per claim 10, Hecht discloses a data processing system and work flow management in a distributed data processing system, wherein the system relates to processing of imaged or multimedia documents for health and insurance forms (col. 1 lines 6-11, col. 3 lines 5-15) comprising:

(a) providing a distributed architecture where two or more computers communicate over a network, wherein the architecture includes servers and clients, wherein the client side initiates a request (reads on "input of data"), and wherein the server side of an application is a dedicated process that runs continuously – waiting for a request, executing it, and returning the answer, then waiting for the next request (Fig. 3A-3B, col. 7 lines 40-53, col. 10 line 67 to col. 11 line 20, col. 11 line 50 to col. 13 line 45) (reads on "simultaneously monitoring the input of data on discrete computers within said plurality of networked computers"); and

(b) a work in progress manager for updating the state of the work-in-progress submission attributes database, wherein the work in progress submissions are stored in a distributed file system, wherein processors performing services A and B access the manager for work, and wherein when the processors perform the work, the database is updated, wherein data sharing occurs between the manager and processors and each

Art Unit: 3626

of the manager and processors have a copy of the data, and wherein the data remains consistent by synchronizing the data (Fig. 12, col. 11 line 50 to col. 12 line 57, col. 16 lines 19-42, col. 18 lines 19-27, col. 22 line 65 to col. 26 line 60) (reads on “comparing said data input to existing entries on said plurality of networked computers, determining if said data input matches preexisting data on said networked computers, and updating said preexisting data throughout said network”);

(c) defining in a work priority table, the priority order for an item to be worked on and recorded in the submission attribute database (col. 19 lines 4-52); and

(d) prioritizing the item based on the priority of the item in the work priority table, and thus updating the state of the item in the submission attribute database when the item is worked on (col. 19 lines 4-52).

It is respectfully submitted that “synchronizing the data” is well known in the database arts to be defined as version comparisons of copies of the files to ensure they contain the same data.

Hecht fails to expressly disclose entering menu driven parameters to define a new product on said plurality of networked computers.

Long discloses a menu for displaying a product ID display to a user on the display means, the product ID display including a location for the product identification code and a plurality of display locations for product specifications which are encoded by the product identification code, receiving from the user a plurality of characters representing the beginning of a product identification code, displaying on the display means a completed default product identification including the received characters and

Art Unit: 3626

also displaying the product specifications, including physical description, for the completed default product identification code, receiving from the user changes to the product specifications displayed for the completed default product identification code, and the computer changing the completed default product identification to an updated product identification code to incorporate any changes to the product specifications received from the user by incorporation of those changes into the displayed product identification code (Abstract, Fig. 4-5, col. 11 line 60 to col. 12 line 27).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Long within the method of Hecht with the motivation of reducing the complexity of specifying, pricing, and ordering products in an industry with customized products (Long; col. 1 lines 35-61).

(B) As per claim 11, Long discloses a menu in Figure 4 displaying a quantity of a product. This is considered to be a form of question.

The remainder of claim 11 has been disclosed above in the rejection of claim 10, and is therefore rejected for the same reason as claim 10, and incorporated herein.

(C) As per claim 15, Hecht discloses executing software in the data processing system (col. 23 lines 40-45).

(D) Claim 25 repeats the same limitations as claims 10 and 11, and is therefore rejected for the same reasons as those claims, and incorporated herein.

7. Claims 20 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hecht (5,535,322) in view of Bosco et al. (5,191,522).

(A) As per claim 20, Hecht discloses a data processing system and work flow management in a distributed data processing system, wherein the system relates to processing of imaged or multimedia documents for health and insurance forms (col. 1 lines 6-11, col. 3 lines 5-15) comprising:

(a) a distributed architecture where two or more computers communicating over a network, wherein the computers have menus shown in a user-system interface for showing data, and wherein the computer have a means for entering an order into a workstation (Fig. 3A-3B, Fig. 16A-16B, col. 1 line 64 to col. 27, col. 7 lines 40-53, col. 8 lines 1-15, col. 10 line 67 to col. 11 line 20, col. 11 line 50 to col. 13 line 45, col. 15 line 20 to col. 16 line 5, col. 22 lines 34-65);

(b) means for processing of imaged and multimedia documents for health and other insurance forms, filmless radiology, IRS tax submissions, and FBI fingerprint and voice identification, wherein the means includes a distributed architecture that is provided including multiple unclustered processors for performing functions related to the imaged and multimedia documents processing, allowing for scaling, parallelism, and availability (col. 3 lines 5-15, col. 7 lines 40-67);

(c) means for data sharing throughout the distributed network (col. 12 lines 1-52);

(d) means for providing a distributed architecture where two or more computers communicate over a network, wherein the architecture includes servers and clients, wherein the client side initiates a request, and wherein the server side of an application is a dedicated process that runs continuously – waiting for a request, executing it, and returning the answer, then waiting for the next request, and a means for providing a work in progress manager for updating the state of the work-in-progress submission attributes database, wherein the work in progress submissions are stored in a distributed file system, wherein processors performing services A and B access the manager for work, and wherein when the processors perform the work, the database is updated, wherein data sharing occurs between the manager and processors and each of the manager and processors have a copy of the data, and wherein the data remains consistent by synchronizing the data (Fig. 12, col. 11 line 50 to col. 12 line 57, col. 16 lines 19-42, col. 18 lines 19-27, col. 22 line 65 to col. 26 line 60) (Fig. 3A-3B, col. 7 lines 40-53, col. 10 line 67 to col. 11 line 20, col. 11 line 50 to col. 13 line 45).

Hecht fails to expressly disclose a means for menu driven creation of user-defined parameters for selected administrative functions.

Bosco discloses an integrated workstation to offer menu selections commensurate with the function to be performed by the operator (col. 22, lines 13-39). These menus are utilized in order to write and store necessary information, such as the insurance products and terms outlined in columns 4-19 of Bosco, into the relational database. Thus, Bosco teaches a means for menu driven creation of user-defined parameters for selected administrative functions (col. 28 lines 9-25). In addition, Bosco

inherently receives an application for insurance products defined within his system (see underwriting sub-system col. 30 lines 18-31), as supported by the fact that he discloses a means for flexible on-line access to contract, form, and general information that is captured by efficient forms filling, recording, and cloning processes (col. 26, lines 55-62).

At the time the invention was made, it would have been obvious to include the features of Bosco within the system taught by Hecht with the motivation of providing automated sales support such as tracking and reporting of proposals and improving work management tools such as integrated case tracking (Bosco; col. 2 lines 5-25).

Hecht fails to disclose an auditing function.

Bosco discloses having a detailed audit trail of transactions within his system (Bosco; col. 25, lines 30-32).

It would have been obvious to the skilled artisan to retrieve audit information stored in the system taught collectively by Hecht and Bosco with the motivation of giving the person who initiated a transaction the opportunity to follow up and complete the same transaction, as he or she would be the most knowledgeable of the transaction and would have developed a rapport with the client in the time spent working on that transaction.

(B) Claim 28 repeats the same limitations as claim 20, and is therefore rejected for the same reasons given for claim 20, and incorporated herein.

Art Unit: 3626

8. Claims 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hecht (5,535,322) in view of Aleia et al. (5,991,733).

(A) As per claim 21, Hecht discloses a data processing system and work flow management in a distributed data processing system, wherein the system relates to processing of imaged or multimedia documents for health and insurance forms (col. 1 lines 6-11, col. 3 lines 5-15) comprising:

(a) a distributed architecture where two or more computers communicate over a network (Fig. 3A-3B; col. 7 lines 40-53, col. 10 line 67 to col. 11 line 20, col. 11 line 50 to col. 13 line 45) (reads on "a plurality of networked computers");

(b) at least two other processor boxes executing services A and service B (Fig. 12, col. 15 line 55 to col. 16 line 55) (reads on "at least a first of said networked computers comprising an activity processor");

(c) a workflow manager including a work-in-process manager and work queue manager process executing on a processor box (Fig. 11A-11B, col. 15 line 55 to col. 16 line 5) (reads on "at least a second of said networked computers comprising an activity scheduler");

(d) at least one file server connected to the workstations/processors over a network (col. 8 lines 1-15, col. 8 line 55 to col. 9 line 8, col. 11 lines 51-67, col. 13 lines 10-17) (reads on "at least one file server operatively connected to said networked computers");

(e) means for entering an order into a workstation (Fig. 16A-16B, col. 1 line 64 to col. 27, col. 22 lines 34-65) (reads on "manual entry mechanism configured for entering data relative to any of said functions"); and

(f) sending data to an external system from workstations for an entity check and an integrity check, wherein the system performs the integrity check by checking inter field arithmetic and other integrity assertions, and wherein the system performs the entity check by checking if a submission has an unchanged preprinted IRS label affixed, and if the label is unchanged, then an entity check is not required, wherein if an entity check is required, then an image is routed to the entity check, wherein a check includes checking for address changes (Fig. 4-5, col. 6 lines 40-61, col. 8 line 55 to col. 9 line 23, col. 9 lines 42-55, col. 10 lines 28-50) (reads on "data receiving and verifying system").

Hecht fails to expressly disclose a means for predefining via said activity scheduler relative to said entered data that selected first types of entered data are to be processed by said activity processor in real time and that selected second types of said entered data are to be queued for processing at another time. However, Hecht discloses using a workflow manager including a work-in-process manager and work queue manager process executing on a processor box for dispatch work to processors (Fig. 11A-11B, col. 3 line 60 to col. 4 line 52, col. 14 line 45 to col. 16 line 5).

Aleia discloses a file processor means for storing and managing predetermined collections of data, said file processor means being interconnected and responsive to each of a plurality of workstation processor means, wherein the file processor and workstation include software configured for predetermined collection accounts

Art Unit: 3626

processing including predetermined managing of collector queues processing, wherein managing collector queues processing includes an on-line ability to prioritize an account for immediate attention by a collector or manager (reads on "in real time") and to prioritize and distribute the workload among collection's staff, and move one group of collection accounts from one collector's queue to another collector's queue for processing (reads on "queued") (Fig. 1G-1L, 3, 8, col. 5 lines 43-55, col. 10 line 28 to col. 12 line 7, col. 13 lines 13-17, col. 14 line 48 to col. 15 line 37, col. 16 lines 33-63, col. 21 line 58 to col. 26 line 65) (reads on "means for predefining via said activity scheduler relative to said entered data that selected first types of entered data are to be processed by said activity processor in real time and that selected second types of said entered data are to be queued for processing at another time").

At the time the invention was made, it would have been obvious to include the features of Aleia within the system of Hecht with the motivation of prioritizing tasks to ensure better workload distribution (Aleia; col. 11 lines 40-55) thus ensuring "privileged" or important customer documents are given priority treatment (Hecht; col. 2 lines 10-26).

(B) As per claim 24, Aleia discloses inputting data into a screen, such as decision support actions related to an account (Fig. 1J, 1K, col. 11 lines 2-30). It is noted that "inputting data into a screen related to decision support actions" is considered to be a form of "means for generating a series of questions to a user"). Further Aleia discloses a work in progress manager for updating the state of the work-in-progress submission

Art Unit: 3626

attributes database, wherein the work in progress submissions are stored in a distributed file system, wherein processors performing services A and B access the manager for work, and wherein when the processors perform the work, the database is updated, wherein data sharing occurs between the manager and processors and each of the manager and processors have a copy of the data, and wherein the data remains consistent by synchronizing the data (Fig. 12, col. 11 line 50 to col. 12 line 57, col. 16 lines 19-42, col. 18 lines 19-27, col. 22 line 65 to col. 26 line 60).

9. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hecht (5,535,322) in view of Aleia et al. (5,991,733) as applied to claim 21, and further in view of Bosco et al. (5,191,522).

(A) As per claim 22, it is noted that Bosco discloses a prospective pricing program module that performs the routine calculations necessary to determine premium needs for a prospective policy period for each case, wherein the rates can be determined and updated as necessary, and wherein the rates are provided for immediate and consistent use by departments (col. 27 lines 22-30 and col. 28 lines 3-8) (reads on "immediate execution" and "critical insurance function"). Furthermore, Bosco discloses a self administered billing program module for generating bills on a stated frequency which reflects the coverage, bill mode, bill categories, rate structure, and bill location (col. 24 lines 43-61) and reporting program modules for analyzing premiums, claims, and information system information (col. 26 line 4 to col. 27 line 10) (reads on "queue" and

Art Unit: 3626

“non-critical insurance function”). It is respectfully submitted that typically in insurance processing systems certain functions are performed immediately, such as premium calculations, to provide customers with immediate information, and certain functions, such as billing and reporting, are performed in batches based on a schedule such as once a month. It is well known in the art that billing and reporting require intensive data processing, and therefore the skilled artisan would have found it an obvious modification within the system taught collectively by Hecht, Aleia, and Bosco to include billing and reporting as a “non-critical” insurance function with the motivation of reducing processing expenses and improving customer service (Bosco; col. 26 lines 10-20) by running billing, reporting, and other non-essential insurance functions during down time on the network (i.e., few users on the system). Furthermore, it is well known in the art that customers typically want premiums calculated immediately and it is clearly known in the art that a system would not run premium calculations as a batch process because customer’s need the information immediately. Therefore, it would have been obvious to include calculating premiums immediately within the system taught collectively by Hecht, Aleia, and Bosco with the motivation of improving customer service (Bosco; col. 26 lines 10-20) by providing customers with necessary information immediately.

(B) As per claim 23, Bosco discloses a function of the enterprise-wide integrated computer system including rate calculation for premiums (col. 24 lines 43-50, col. 27 lines 22-30, and col. 29 line 48 to col. 30 line 31).

Response to Arguments

10. Applicant's arguments with respect to claims 10-11, 15, 20-25, and 28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied prior art teaches system for transactions between financial institutions and customers (4,833,312), service allocation system (5,006,983), computerized medical insurance system including means to automatically update member eligibility files at pre-established intervals (5,070,452), method of an apparatus for automatically generating application program (5,212,634), and integrated system for the administration of an insurance company (6,714,914).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn Bleck whose telephone number is (703) 305-3981. The Examiner can normally be reached on Monday-Thursday, 8:00am – 5:30pm, and from 8:30am – 5:00pm on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached at (703) 305-9588.

Art Unit: 3626

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 306-1113.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

13. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9306 or (703) 872-9326 [Official communications]

(703) 872-9327 [After Final communications labeled "Box AF"]

(703) 746-8374 [Informal/ Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th Floor (Receptionist).

Application/Control Number: 09/553,877


Page 22

Art Unit: 3626

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September 1, 2004


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